

SUMMARY

Storm Water Fee Task Force

January 8, 2009

1:00 PM

5th Floor Conference Room – Government Center

Committee members in attendance: Council Members Linda Gorton (Chair), Don Blevins, Tom Blues, Andrea James, Mike Sanner (for Ed Gardner) and Kevin Stinnett.

Other Council Members in attendance: Cheryl Feigel and Ed Lane.

LFUCG staff in attendance: Darryl Bennett, Candice Deininger, Kyna Koch, Julie Mantrom, Charlie Martin, Melynda Milburn, Bill O'Mara, Scott Seymour, Cheryl Taylor

Guests in attendance: Helen C. Allen, Belinda Amburgey, Dennis Anderson, Doris Benson, Jim Buckles, Jennifer Carey, Bob Chaffins, John Cobb, Mark Day, Jeff England, Amanda Gumbert, John-Mark Hack, Chad Harpole, Jim Holbrook, Jennifer James, Todd Johnson, Michelle Ku, Bill Lear, Doug Noel, Van Meter Pettit, Matthew Pfister, Dick Shore, John Slone, Amy Sohner, Andrew Stoeckinger, Joseph Taraba, Emma Tibbs, Barry Tinning, Russ Turpin, Knox VanNagell, Richard Walker, Steve Workman, Mary Browning Wright

Chairwoman Gorton called the meeting to order at 1:00 PM.

CM Gorton asked if there were any corrections to the minutes from the December 18, 2008, meeting.

The following corrections were offered:

1. Page 5, middle of page – "\$750,000 and an additional \$250,000 for mapping" should read "\$750,000 per year for approximately four to five years and an ongoing maintenance fee up to \$250,000 a year"

CM Blues **MOVED** to accept the minutes as corrected. CM James **SECONDED** the motion. The corrected minutes were **ACCEPTED** by unanimous vote.

CM Gorton then turned the table over to Richard Walker to give a report on what level of storm event to fund (see handout).

Mr. Walker introduced himself as a member of Tetra Tech, who was selected as the program management consultant for the consent decree. He then began the presentation on the storm event to fund.

Mr. Martin asked him to define the difference between a 25 year and a 100 year storm.

Mr. Walker replied the 25 year storm that is currently being used is 5.3 inches of rainfall in a 24 hour period. The probability of a 25 year storm occurring in one year is 4% and 71% in 30 years. A 100 year storm is 6.8 inches of rainfall in a 24 hour period. The probability of a 100 year storm occurring in one year is 1% and 26% in 30 years.

CM James asked if that was based on rainfall only.

Mr. Walker replied yes.

CM James asked if a 100 year storm is experienced, if the chances the next year are the same.

Mr. Walker replied yes, he said you wouldn't think you would get two of those storms back to back, but it is certainly possible.

CM Feigel asked if currently we require new development to be 100 year storm plan.

Mr. Walker said that is correct. He said in terms of protecting structure from flooding, all new developments are designed to the 100 year standard. He said it is actually more than that, because the government requires the first floor to be two feet above the 100 year flood elevation, so it is a higher level of protection.

CM Feigel asked if that is assuming that nobody builds in the floodplain.

Mr. Walker replied current standards do not allow building in the floodplain.

CM Lane asked if the terminology "flooding" could be defined.

Mr. Walker replied he referred to it in this sense as flooding in the structure or house, either first floor or if there is a basement, in the basement. He said this does not include yard flooding or street flooding, but structure flooding.

CM Blevins said a new development is not really required to build to a 100 year storm, what they are required to do is not build in a 100 year floodplain. He said, so it is a little different.

Mr. Walker said that is correct. He said it is actually a higher standard.

CM Blevins disagreed and said if we build a bunch of structures that are outside of the 100 year floodplain, yes they're protected from being flooded themselves, but all of their new impervious surface will flood everyone else around them and thereby change the 100 year flood plain. He said he wanted to make sure we understand the two different things.

Mr. Walker asked to comment on that. He said this discussion is about how we protect structures from flooding, in terms of a storm event, making sure we don't put buildings in the floodplain and actually elevate them higher than the floodplain elevation. He said another set of regulations that apply to all of this, in the storm water manual, is to control the runoff from the 100 year storm, reduce post development peak flow to pre development peak flow, thereby not making it any worse downstream that is the goal of those regulations. He said he thought we had it covered both ways.

CM Stinnett asked what the standards are to determine we are not making it any worse downstream. He asked how we were measuring that.

Mr. Walker replied it is part of the design process of the new subdivision. He said you start out with typically an open field, with a lot of infiltration. There are models that are developed that predict the flow and typically there is a detention basin that is sized to reduce the peak flow down to the pre-development flows, not only for the 100 year storms, but also for the smaller storms.

CM Stinnett said so any water that leaves that property, we are making sure it is not a significant amount more than what was on there before, if no more.

Mr. Walker replied reducing the peak flow at or below pre-development levels.

Mr. Martin asked if we are designing that using models.

Mr. Walker replied correct.

CM Gorton asked if there were questions and then asked Mr. Walker to proceed with his presentation.

CM Gorton asked Mr. Walker what the industry standard was in storm water across the country.

Mr. Walker replied in terms of new development, the 100 year storm is a pretty standard storm for protecting new structures. He said that is FEMA's standard as well. He said for existing neighborhoods with existing problems there is a wide range, with the 10 year storm being pretty common and the 25 year storm in some places.

CM James asked if when he mentioned structure damage if he was referencing government expense or the personal expense of a property owner.

Mr. Walker replied the numbers came from damages to homes, businesses and government buildings.

Doris Benson, the President of Langley Properties, said she was curious as to what the amount throughout the city is now. She asked if most of the city is a 10 year flood or a 25 year flood.

Mr. Walker replied the storm water priority list is based on a 25 year storm. He said in terms of what storm causes the most damage, he wasn't sure if he had an answer for that.

CM Blues asked if it was at all feasible to have different levels for different areas.

Mr. Walker replied he thought it was possible. He said there could be areas where protecting up to the 100 year storm would be worth it from a benefit cost analysis and there could be another place where protecting up to a 25 year storm may not be worth it because the benefit cost wouldn't show. He said he was suggesting that benefit cost be a part of the equation when we start looking at making the list of new storm water projects.

CM Gorton asked if there were other questions.

CM Stinnett said we probably know 75 to 80 percent of the residential areas that flood every time it rains. He asked if we could take the approach to use some at the 25 year approach and others may need to be 50 and use the current cost analysis. He asked if other cities have done this.

Mr. Walker replied he thought this was possible and said the consent decree has a supplemental environmental project to reevaluate and redo the storm water list. He said this would be one of the items the process would involve.

CM Stinnett said we could have a minimum of 25, but have 50 or even 100 in other areas.

CM Gorton said the suggestion was to have a minimum standard and then perhaps a different standard for some other areas.

Mr. Martin said the overall impact to the drainage area is going to tell you what areas are hit hardest and the modeling would be important as well.

CM Feigel said she didn't understand if we were expecting citizens to help us pay for this repair job we are doing on the storm water system and there will be people who continue to flood on a 25 year storm, she was concerned about the

reaction to that. She said if we require new development to build to a 100 year storm, she was not quite sure why we were looking at a 25 year storm.

Mr. Walker replied FEMA has been regulating flood plain development for a long time. He said their approach is called a “three legged stool,” they have maps, flood insurance, and floodplain management (don’t put anymore buildings in the floodplain). They chose many years ago the 100 year storm. Second comment is a word of caution, if we could be successful to protect the 25 or even the 50; people are still going to flood because we will get storms larger than that, unless you remove the structure from the floodplain. The city has done some of this and there will be more of it. Mr. Walker stated we had a 100 year storm in 2006 and might have one next month. He said his whole discussion of 25 year storm and 50 year storm can lead you into a false sense of security. His stated when you go from a 10 to 100, it seems 10 times as great, it is only 2.6 inches more. He said you have to be careful and not believe that you are protected from everything that is going to happen, because it is not true.

Mr. Blevins said he wanted to confirm his understanding, for a new development we require that you not place a structure in a 100 year floodplain period.

Mr. Walker replied correct, for commercial, residential or anything.

Mr. Blevins said in addition to that the engineering manuals require you to engineer your development such that you do not contribute storm water beyond what that land did when it was originally just field.

Mr. Walker replied correct.

Mr. Blevins said “so first do no harm.” When you do a new development you will not add to the problem.

Mr. Walker said correct.

Mr. Blevins said so far all we have talked about so far is flooding. He said the other half of this puzzle is water quality and asked if there is a water quality factor that we need to consider in terms of both new development and reconfiguring our existing structure.

Mr. Walker said he focused on the storm related to flooding and did not consider water quality. He said the storm water manual does have requirements for water quality for new development. He went on to say the EPA state permit regarding water quality requires that any flood reduction project also incorporate some water quality elements.

Mr. Blevins said he asked that because what he is not reconciling yet is the banks on Higbee Mill Rd. /South Elkhorn Creek are about two to three feet high

when it is just in normal flow. He said the banks are completely vertical and are raw dirt and there is erosion occurring and flowing down the creek every time we have even a two year rain event. He said he believed that silt is part of the erosion we are getting dinged from by the EPA, so it is not just that we are going to protect flooding, but there is very real erosion and damage occurring in our rural areas. He stated this is a big problem in rural areas. He went on to say he is not seeing a more direct linkage between those two things and that water quality is part of the decision making in deciding what size storm to design to.

Mr. Walker asked Doug Noel to field the question.

Mr. Noel replied a lot of cities that have large capital project needs prioritize the projects on the list not only on flooding, but also on water quality, bank erosion and usually there is a points system used to rank the projects.

Mr. Blevins said so 25 years might be reasonable from a flooding perspective, but we might need to increase it to 30 to account for rural affects. He asked Mr. Noel and Mr. Walker to help us make a confident decision.

Ms. Taylor said fundamentally this whole consent decree and EPA action is not about flooding at all, it is all about water quality. She said fundamentally we have to deliver the water quality results and systems and maintain that or we will not have met the obligations of the consent decree.

CM Gorton said the \$30 million in storm water projects will include flooding.

Ms. Taylor said that is because they have committed to that as a step.

CM Lane asked if they would touch on what remediation opportunities are available when homes are built in a floodplain to reduce the level of flooding in those areas.

Mr. Walker replied it would depend on how deep it is, but there is flood proofing that can be done. He said if there is serious flooding there is not much a homeowner can do other than purchase flood insurance if they don't already have it.

CM Lane asked about enhancing storm detention in flood areas to drain out so you don't flood the homes.

Mr. Walker replied it is possible, but it doesn't work everywhere particular the larger watershed you have.

CM James said looking at the cost benefit analysis chart, she saw that it leveled off and was wondering if one of the reasons was because the properties being damaged are only a certain value. She asked if there are \$500,000 homes that

are being damaged and they are at the cap because that is what the value of the property would be.

Mr. Walker replied he would suspect on the graph in his presentation, there are probably not many properties in the 50 and 100 year floodplain, so there are not many damages there. He said most of the properties are probably in the 25 year floodplain or smaller.

CM Stinnett asked how we are designing detention basins in new developments. He asked how we determine the size of them.

Mr. Walker replied there are some standard engineering practices.

CM Stinnett asked if they are based on storm events.

Mr. Walker said they are based on storm events and you take the 100 year rainfall, put that in a fairly sophisticated runoff model that tells you the volume and the peak and then when you design a detention basin it holds some of that peak, so it is lowered.

CM Stinnett asked how we know it's not carrying more downstream and affecting other areas.

Mr. Walker replied volume could be, but we are talking about peak flow. He said the only way to reduce the volume would be to use rain gardens and infiltration systems that soak it into the ground. He said another thing the consent decree requires the city to do is to revise the engineering standards to start incorporating those practices. He stated it is much harder to do than what he had just said.

CM Stinnett said so we are designing our current retention basins for new areas based on 100 year storms.

Mr. Walker replied correct.

Mr. Blevins asked what happens to velocities.

Mr. Walker replied as long as water level doesn't get any deeper, velocity is not changing, but as water level goes up, velocity increases.

Mr. Blevins said so the impact of velocity is that it is extended over a longer period of time.

Mr. Walker replied correct. He said you get that eroding force on the bank for a longer time and it generates more erosion. He stated some of these things about erosion and longer duration of low and infiltrating that excess runoff are fairly new thinking in the engineering community.

CM Gorton asked if task force members would like to ask for a recommendation on this year event or what they were thinking.

CM Blues said, "I think it's hard to make a recommendation on a single number. If we want to talk seriously about different flood events for different areas."

Mr. Blevins said it seemed to him there were two aspects to this decision, one of which can be deferred and one of which needs to be decided today. He said what we discussed today is the one he felt could be deferred, new development considerations that are part of our engineering manual. He said he did not think this is something this committee needed to discuss either way. He said the decision they do need to make is they've done their estimates for the cost model for the storm water fee base on a certain size storm and what we are really about today is was that a good decision and do we need to up it or lower it. He said he didn't have a firm opinion yet, but all they needed to decide today is the cost model and if this data point driving the cost model is appropriate. He said his opinion is the 25 year is probably a good recommendation for the cost model as a minimum.

CM Gorton asked if he would like to make it in the form of a motion.

Mr. Blevins made the following motion: that we accept the recommendation of our consultant for a minimum 25 year storm as the design criteria for the cost model for storm water.

CM Stinnett seconded the motion.

CM James said when this comes up we'll have the opportunity to chart this in a way that shows the 50 and the 100 as well, with this recommendation, we're not talking about just addressing the 25 year, using that as the basis and then going ahead and chart if we have the 100 and 50.

CM Gorton asked what she meant when she said chart.

CM James replied she means in relation to the 50 year, 100 years that we will potentially have to use in other areas.

Mr. Blevins said, "I'm going to be Dr. Stevens, I view that as a downstream decision." He said all we have to decide today is, is the cost model reasonable.

CM James said she was not disputing that, she was talking about the 25 year minimum with the opportunity to look at the 50 year and 100 year in other areas.

Mr. Blevins asked if she was talking about two years from now or two weeks from now.

CM James replied two weeks.

Mr. Blevins replied, "So you want to look at all three."

CM James replied not as the minimum, 25 as the minimum, but as the graduated level based on the project.

Mr. Martin said he thought we all had the same number one goal, not to be called about flooding events. He said in terms of the cost benefit analysis you may have the situation they had a few years ago where for this much money you can lower the flooding level in the structure for this or for less money we can just buy the houses and make the problem go away. He stated this is always something he is going to look at, this way the problem is eliminated in the most cost effective way and cumulatively this will have a positive impact.

Mr. Blevins said given that we've discussed some areas that might need higher than 25 year flood plains is there any change that you would anticipate to the cost model that has been presented thus far.

Mr. Martin replied no, the cost model they have put forth is \$30 million over ten years. He said they started from the bear minimum cost model associated with what was required by the consent decree and the sentence. He said there wasn't even really a cost of service considered in that, it was this is what our obligation is.

Mr. Blevins said if he told him the design standard was now 50 years would his cost model change.

Mr. Martin replied it would take longer to do it at \$3 million a year.

Mr. Blevins said he knew that, he was asking would the basic cost model change. He said it seems he just looked at it from a money point of view.

Mr. Martin replied he said we are going to spend \$3 million a year in capital flooding and for how long that goes, we have a 10 year minimum required by the consent decree, we could do that forever if future Council's decide to do that.

CM Gorton asked Mr. Blevins if this changed his motion.

Mr. Blevins replied it maybe makes it moot.

Mr. Martin replied in his mind the reason they were asking this question is because he used the word "abate." He said you can spend a whole lot of money to protect against a 100 year storm, but is there a return on that investment. He said he thought they would continue to ask that question all of the time.

CM Gorton said she thought Mr. Blevins' motion was important.

CM James said she didn't want to feel like if there was an area that was having more of an impact than the 25 year, "we would be running around with our hands in the air totally unprepared for it."

Mr. Martin said we are never staffed to respond to a chaos emergency.

CM Gorton said the motion is still on the floor that we accept the recommendation of the consultants to establish a 25 year storm event as the minimum standard for our storm water projects. She called for a vote.

The motion passed unanimously.

CM Gorton then asked Mr. Martin to present on the proposed organizational chart (see chart).

CM James asked what an engineering technician does.

Mr. Martin replied they do the support work for these people. He said it's all the things that lead to getting a design done. He said it includes collecting field data.

CM Stinnett said his big question is \$3 million to him is not enough in capital projects and if this task force says we need at least \$5 to \$6 million a year of this fee towards projects (it will take 83 years at \$3 million a year), if we increase the capital cost of the number of projects we want to do dollar wise, does that mean we will have to add more staff and if we make that decision, we therefore have to increase the fee from what you have proposed. He asked what impact that would have.

Mr. Martin replied he felt honestly the biggest impact would be the annual cost of the capital part of it. He said it is really about how much value of work an engineer and their technician can do in a given time. He said they had done an analysis on this over what they have done in the last ten years in Sanitary Sewers. He said he thought it was \$4 to \$5 million per engineer.

CM Stinnett asked if the engineers would have enough work do with just \$3 million of capital projects and if we double that number will we have to hire more engineers, where is their threshold at. He said we need to figure that out.

Mr. Martin replied he wanted to be clear on the fact we have \$3 million a year in flooding capital, we have \$200,000 a year in water quality capital, \$200,000 in land and right of way acquisition, \$750,000 in small capital rehab. He said he felt there was enough to keep people plenty busy. He also said there are the sanitary sewer projects.

CM Stinnett said let's take Darryl for example, he is not going to be doing sanitary sewer projects.

Mr. Martin replied he might because he wasn't so sure there was going to be a storm water section.

CM Stinnett asked are we not going to have dedicated people that focus on storm water engineering projects and dedicated on sewer.

Mr. Martin said he thought the only group they would have focused almost exclusively on are three people (the basins and other water quality).

CM Gorton asked what kind of phase-in he saw with this organizational chart.

Mr. Martin replied it is going to be very difficult because he did it in the perfect world and trying to take the existing positions and existing classifications we have right now, it is going to be very difficult. He said his cost model was about trying to get this down to a fewer number of titles.

CM Gorton said back to Mr. Blevins point about taking 83 years, that is if the \$3 million is in cash and not bonding.

CM Stinnett said we don't want to bond so much that we are not going to spend it either.

CM Gorton said she agreed.

Mr. Martin said he wasn't so sure he could give an answer on that. He said it is hard to tell how quickly it will go getting people in positions. He said in regards to hiring staff, he advertised for two vacant engineering positions and he only had three candidates. He said it is a function of the economy and how it is advertised and how the potential candidates are screened.

Ms. Taylor said there are a number of requirements in both sanitary and storm under the consent decree around enforcement, public education and outreach. She said they have three divisions: water, waste and environmental policy.

Mr. Martin said he didn't necessarily want his people appearing on TV, he wanted Cheryl's shop focusing on that. He said his group's mission was to collect water and sewage and get it where it is suppose to go and they need to focus on that. He said somebody else can talk about it.

CM Gorton asked if there were any further questions on the organizational chart. Seeing none she asked Mr. O'Mara to speak on "Tax vs. Fee."

Mr. O'Mara said the difference between a tax and fee is what statute enables you to institute a fee versus a tax, but the most important thing is who the base is assessed on. He said in the case of user fees or in this case storm water, one of the things we looked at is, who is the base that is contributing to the problem and who should be contributing to paying towards this problem. He said taxes are assessed on taxable entities and individuals and fees are on everyone, including governmental units, as well as non-profits. He said the fee seems to be the vehicle that will be most broadly based, it will reach everyone in the community, including the Urban County Government.

CM Gorton asked if there were questions.

CM Stinnett asked how we would collect it.

Mr. O'Mara replied that wasn't on the agenda.

CM Gorton said first this task force needs to affirm a tax or a fee.

CM James asked if Mr. O'Mara could repeat the definition of tax vs. fee.

Mr. O'Mara replied it is supported by different statutes, but the important part is the base it is assessed with and a tax has a lower base and fewer people and entities that it reaches than a fee. He said a fee is more broad spread and therefore if more people pay us, the rate per individual is lower.

CM Gorton said the fee supports users, so to speak of the system. She asked him to go into more detail with the tax.

Mr. O'Mara replied a user fee by definition is only the people that use the service are charged. He said he wasn't sure if this was germane to the storm water because it rains everywhere and there is runoff and water quality issues regardless. He said a tax can be very broad, such as something that goes to the General Fund and it's not dedicated or restricted as to what it can be used for. He said taxes can also be very restrictive. He said from his perspective the significant event is do you want it to reach the broadest people possible and all those people that are contributing.

CM Gorton asked that Mr. O'Mara remind us if it is a tax, who would be exempt.

Mr. O'Mara replied governmental units and not-for-profit entities do not pay taxes because they are not in the business of profit or they have the status by statute of being tax exempt from property taxes.

CM Gorton said so if it is a tax all non-profits, all governmental agencies, all churches, schools, all of those entities would be exempt. She went on to say an

example of a specific tax would be the street light tax. Those people who have street lights pay the street light tax.

Mr. O'Mara replied correct.

CM Gorton asked if he knew if there are any cities that pay for storm water through property taxes as opposed to a fee.

Mr. Noel responded everybody that is not using a user fee just about is paying for it through property tax. He said there are a lot that use property tax and the reason most that are using a fee have gone to a fee is because taxes, with an exemption of specific taxes, can't be obligated to storm water year in and year out, so you get a fluctuation because you've got other demands on those tax revenues and you can't really design a program like the consent decree is requiring and be able to maintain the appropriate level of funding year in and year out. He said storm water is sort of like an invisible utility and people forget about it until it is time to use it, so when it comes time to make a decision to trim part of law enforcement or other programs, storm water is usually the first one to go. He said in this situation there is a program that has to be funded and there is a need for dedicated funding.

CM Stinnett said we do have taxes in Fayette County that are dedicated, so we could have a dedicated storm water tax, we don't have to have a fee to be dedicated.

Mr. O'Mara replied correct.

CM James asked if we were eventually to get to the point of talking about a reduction in something based on some kind of incentive (credits) where you could offset how much someone spends, is it easier to do that with a tax vs. a fee.

Mr. O'Mara replied, "I'm not a lawyer and I can't practice law, but I would say it is just how you pass the ordinance." He said they would have to look at the administration of it to see if there were limitations. He said as long as it was a dedicated fee or dedicated tax for a specific use they could come up with an administrative program that Council feels is appropriate.

Mr. Sanner said Mr. O'Mara is right, it all depends on what the enabling statute is and if there are restrictions or if there are not restrictions.

CM Stinnett asked if we looked at a dedicated tax and what that would look like. He said he knew the fee would be \$4.16, but he asked how much more it would have to be if we went the tax route.

Mr. O'Mara replied not recently. He said this year's analysis was all focused on a fee.

Mr. Martin said if he remembered correctly the reason the fee route was chosen this time is because it was based on the outcomes from the study from 2000 and at that time the ERU fee approach was determined the best approach.

Mr. O'Mara said that was based on a lower fee because there are more people participating.

CM Gorton said that makes sense that all the impervious surface users would contribute to the fee.

CM Blues said one of the differences is that everyone pays the fee. He asked Mr. O'Mara if anyone could be exempt from the fee.

Mr. O'Mara replied you have to be careful because you can't be discriminatory. He said it would be a question of what exemption.

Mr. Sanner replied you have to be careful how it is written and enforced and you would have to have a good reason to exempt someone and not others.

CM Gorton asked if he was thinking of something in particular.

CM Blues said no, he was just asking the question as to whether or not that could be done.

Mr. O'Mara said with occupational taxes, you can exempt a class as long as it is not discriminatory. He said there has to be a rational basis. He said the test becomes what is the exemption and what is the rationale.

Mr. Sanner said the rationale has to be a means for the purpose for achieving the ultimate means.

CM Feigel said so if you were considering the difficulties of people on fixed incomes, it would be very difficult to single them out as a group to exempt them.

Mr. Sanner asked if she meant from the fee.

CM Feigel said there had been some discussion about that previously that there might be some concession to people on fixed incomes.

Mr. Blevins replied that was a discount not an exemption.

Mr. Noel said in some communities they address that specific issue by having a fund that is not necessarily paid for by the storm water fund or any other fund, but

usually out of the taxes to help people that can afford to pay all utility bills. He said for the exact reason of not trying to create a separate class of rate payer that would result in a challenge.

Mr. O'Mara said the current ordinance as proposed has two assistance programs incorporated into it.

Mr. Martin said it is exactly modeled after the sanitary sewer assistance program.

Mr. O'Mara said Louisville also has a need based program that goes through the Department of Social Services.

CM Gorton asked if it is funded through the sanitary sewer fees.

Mr. Martin said the one we have right now is.

CM Gorton said it would be built into the storm water fee that there would be a certain amount that would go for helping low income people.

CM Stinnett asked if he could bring copies of those programs.

Mr. Martin replied it is in the draft ordinance, but he could get additional copies.

CM Stinnett said he knew that but they had the problem with sanitary sewers in that no one knew what the actual program was to tell citizens.

Mr. Martin said so you're looking for a fact sheet.

CM Stinnett said yes, who to call, where to call, how much it is.

CM James said also to consult with Cheryl Talbert in Social Services to make sure it is accurate and adequate in the language to help the folks that are in need.

Mr. Blevins said we will be talking about this specific item in the future.

CM Gorton said today she would like to know if the task force favors a tax or a fee and would like it in the form of a motion.

CM Blues made the motion: I move that we center our discussions on a fee as proposed.

CM Stinnett seconded the motion.

The motion passed unanimously.

CM Gorton asked Doug Noel if he could be the number one issue of the next meeting.

The task force then discussed meeting times and the following schedule was determined:

- ☐ January 15th 9 AM – 11 AM
- ☐ January 22nd 9 AM – 11 AM
- ☐ January 29th 2 AM – 4 PM

CM Gorton then asked the audience for questions.

Van Meter Pettit of Town Branch Trail asked what happens to an immediate waterway in the way of flood mitigation and looking at the issue of 25 year versus 50 versus 100 whether or not adjacency to a blue line waterway is one of the main criteria for repair and remediation.

CM Gorton said the list of questions would be submitted to Charlie Martin after the meeting.

Mr. Martin replied he wasn't so sure he understood the question. He said they were speaking about dealing with the flooding stuff and it doesn't necessarily always relate to blue line streams, sometimes it does and sometimes it doesn't.

Mr. Pettit said that is essentially where it is going and his point is the water will eventually go to blue line streams. He asked if the funding and mitigation going to be concentrating on blue line streams in particular at all or not. He said the reason he was interested is because if we look at it strictly from the standpoint of fixing flooding in people's basements and storm water issues that are just engineering storm water we may be missing the bigger picture.

Mr. Martin replied the two goals are this: to deal with the flooding issues and discharges to the waters of the United States.

Mr. Pettit asked if there is a companion use that the general public would very much appreciate and feel better about the investment they are making if they could "see, touch, feel and use" the waterways.

Mr. Blevins said he thought that was a great point and felt he should make his point strongly when the new list of storm water projects, which are really water quality projects, that is the time when blue line stream impact ought to be considered in addition to other water quality issues. He said really all they were talking about is how much money do they want to try to throw at this problem.

Jamie Schrader of Schrader Commercial Properties asked about the timing of the collection of the fee. He said whether you are a church or a non-profit or a

commercial property owner, we need some time to build that into the budget before we pass that on, in our case to the tenants. Do we anticipate six months before having that or three months? He asked what the timeframe would be between the passage and actual collection.

CM Gorton said the task force would also be discussing with Mr. O'Mara the actual collection. She said the Mayor is hopeful it will be finished and the work done in order to collect it starting with the fourth quarter of this fiscal year, which is April 1st.

Mr. Schrader said the longer the lead time, the easier it is to prepare. He asked if the cost of abatement of flooding exceeds the value of the property, do you have the power of condemnation.

CM Gorton said yes, normally lots of negotiation goes on.

Scott Smith asked if any of the 27 additional positions that are proposed are already in the budget.

Mr. Martin replied they are either being paid for out of the sanitary sewer fund or out of the storm water, which would be the general fund.

Mr. Smith asked what percentage increase the 27 positions would be.

Mr. Martin replied he did not know, but he could do the math.

Jim Holbrook of Isaac Commercial Properties asked if it is likely that in the discussions that follow that the announced fee rate of \$4.16 for every 2500 sq. ft. for commercial might change.

CM Gorton replied they don't know. She said they should know by April 1st.

Mr. Blevins replied it wasn't possible to answer that because there is a possibility they might stair step the ERU rate itself. He said there might be one rate for small houses, one rate for medium houses and one rate for big houses and do something similar or even different for commercial. He said they don't know yet.

Mr. Holbrook said it goes back to Jamie's question and the fact they have to plan.

Mr. Blevins said the best they could do today is what they have in the proposal. He said his guess is that it will be close to that.

CM Gorton said if you have a question that was not answered you could email it to Melynda at mmilburn@lfucg.com and copy her at lgorton@lfucg.com. She thanked everyone for attending.

The meeting was then adjourned at 3:03 PM.